

**ASSEMBLY BILL**

**No. 1095**

---

**Introduced by Assembly Member Bill Berryhill**

February 18, 2011

---

An act to amend Section 40800 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 1095, as introduced, Bill Berryhill. Air pollution: hearing boards.

Existing law grants air pollution control districts and air quality management districts the primary responsibility for the control of air pollution from all sources other than vehicular sources. Existing law establishes one or more hearing boards in each district for the purposes of performing specified functions, including issuing interim variances from specified provisions of law relating to excess emissions.

This bill would make technical, nonsubstantive changes to this provision.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 40800 of the Health and Safety Code is  
2     amended to read:  
3     40800. (a) There is continued in existence and shall be, in  
4     each district, one or more hearing boards consisting of five  
5     members each, as specified in Section 40801, appointed by the  
6     district board.  
7     ~~The~~

1     **(b)** *The* district board may also appoint one alternate for each  
2 member. The alternate shall have the same qualifications, specified  
3 in Section 40801, as the member for whom ~~such~~ *the* person is the  
4 alternate. The alternate may serve only in the absence of the  
5 member, and for the same term as the member.

6     ~~An~~

7     **(c)** *An* alternate shall not hold any of the single member hearings  
8 authorized by subdivision (c) of Section 40824, subdivision (c) of  
9 Section 40825, Section 42351.5, or Section 42359.5.